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BULGARIAN LAW ON ADMINISTERING
HARBORS AND COASTS

The text of Decree No 167 of the Bulgarian Council of Ministers of 4 April 1952, defining tasks, organization, and procedures for the administration of Bulgarian harbors and coasts, is given below. For the decree on Bulgarian Territorial and Coastal Waters of 10 October 1951, see 00-W-22044.

I. JURISDICTION AND TASKS

1. The present decree has for its goal both the maintenance of order in harbors and along the coasts and safe navigation.
2. The tasks defined in the present decree will be implemented by agencies of the harbor administrations. They will coordinate their activities with state institutions which have specific functions in the harbors and along the coasts.
3. The jurisdiction of the harbor administrations extends over the harbors and coasts of the sea and of the Danube, the coastal lakes and swamps connected therewith, the island coasts, and the territorial waters of Bulgaria.
4. The limits of the Danube and maritime coasts will be defined in the regulation concerning the implementation of the present decree to be issued by the Council of Ministers.

II. ORGANIZATION

5. The harbors are under the jurisdiction of the Ministry of Transportation, which designates their rank (importance), administrative dependency, and organizational structure in accordance with an order issued to that effect. The harbors are administered by a superintendent.

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III. PROCEDURE IN THE HARBOR AND ALONG THE COASTS

6. The harbor administrations fulfill administrative and economic functions, such as the loading and unloading of goods, the registration of ships, the investigation of damages, the control of shipping, etc.

7. All institutions and enterprises which have business in the harbors must observe the harbor regulations. All persons residing in the harbors or along the coasts must carry out the instructions of the harbor administrations issued in connection with the implementation of the present decree.

8. Nonmilitary vessels are granted entrance to the harbors on authorization from the harbor administrations.

9. Ships unfit for navigation or not provided with signal lights, flags, and other equipment required for safe navigation and prescribed by the laws and regulations, are not allowed in Bulgarian harbors.

Should it be established, through proper procedure, that a ship in the harbor basin is unfit for navigation, the superintendent of the harbor can order the ship to be taken out of the harbor within a fixed period. At the end of that period, the harbor administration must remove the ship to a locality where it will not interfere with other shipping. The harbor administration is not responsible for the consequences of moving the ship.

10. In the event of a fire in the harbor, on a ship in the harbor, or in a district adjoining the harbor, every captain must be prepared to help with his ship and crew, should this be requested of him by the harbor administration.

11. Owners, operators, and captains are jointly responsible for all damages done to harbor installations, buildings, goods, and ships by the ship or crew, or by other persons under contractual labor obligations to the captain of the ship.

12. Captains of ships in the harbor are held responsible for the conduct of their crews and must see that the rules and regulations of the harbor are not violated.

Crew members of the ships can go ashore only with the authorization of the proper authorities.

Captains cannot complement their crews in Bulgarian harbors without authorization from the harbor administrations.

Captains may not give asylum on their ships to persons wanted by Bulgarian authorities.

13. The superintendent of a harbor may detain nonmilitary vessels: (a) in case of violations of regulations concerning the correct loading of ships or irregularities in the ship's papers; (b) in case of nonpayment of sums owed as harbor and customs dues, levies, fines, payment for services, etc., for which claims have been made by state and public institutions and organizations.

The detention is lifted as soon as the reason for it has been eliminated.

14. A harbor superintendent may detain ships or goods upon written request by persons advancing claims for damages, collisions, or for help rendered, until

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the operators of the ship or the recipients of the goods have given the necessary guarantees. The detention of the ship ceases after 72 hours if no court order upholding it has been issued.

The responsibility for the detention rests with the person on whose request it was effected.

NOTE: The stipulations of articles 13 and 14 do not apply to ships belonging to Bulgarian state institutions and enterprises, and in case of reciprocity, to ships belonging to other countries.

15. A ship which has not completed its scheduled voyage may not be detained under the stipulations of Article 14 nor under any court order, unless the claims advanced deal specifically with the given voyage or with the right to ownership of the vessel.

16. Nonmilitary vessels under Bulgarian or other flags stopping at Bulgarian harbors and all goods passing through the harbors are subject to harbor taxes according to rates established by approved regulations.

IV. SUNKEN PROPERTY

17. All property (ships, parts of ships, pieces of equipment, goods, etc.) sunk within the harbor waters, the outer harbor, or the roadstead and channels, which interferes with navigation of ships or with the execution of hydrotechnical operations, must be removed within a period specified by the respective harbor administration.

The harbor administration sets a period during which the owner must declare his intention to remove the sunken property.

Should there be no known owner, the harbor administration is to publish in *Известия* a single announcement, in which it requests the owner to declare his intention to remove the sunken property within a set time limit and to undertake the actual removal.

If the owner of a sunken foreign vessel is not known, but the flag of the ship has been ascertained, the Foreign Ministry is informed accordingly.

18. Notwithstanding the circumstances mentioned in Article 17, Paragraph 1, the owner must, within a year from the sinking, inform the Border Guard Administration at the Ministry of Interior of his intention to remove the property, specifying a time limit within which said removal will be accomplished. The Border Guard Administration at the Ministry of Interior sets a sufficient time limit for the removal, based on the circumstances of the case.

19. Should the owner fail to declare his intention to remove the sunken property or fail to effect the salvage within the set time limits, it is assumed that he abandons it and relinquishes all rights to it. In such an event, the harbor administration can take measures for the salvage, destruction, or removal of the sunken property.

20. For the salvage of property sunk within a military zone, regardless of the stipulations of the foregoing articles, the authorization of the Ministry of Defense is required.

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21. The procedure for the admittance of the owner or representatives of the salvage agency designated by him to the scene of the sunken property in connection with salvaging the property is designated by the Border Guard Administration in agreement with the harbor administration.

22. Should the sunken property represent an immediate navigation hazard, the harbor administration can proceed as in Article 19 without setting forth the terms mentioned in Article 17. It must inform the owner by letter of the measures taken, if he is known, or by publication, as prescribed in Article 17, Paragraphs 3 and 4, if his identity is unknown.

The measures are first coordinated with the Ministry of Defense in the case of military property.

23. Property salvaged under Article 22 is transferred to the owner, if he claims it within a year of the day of salvage, against payment of salvage, transport, and storage expenses.

Should the storage of the salvaged property prove impossible or unwise, it is sold according to established procedure, and the proceeds of the sale are handled according to Paragraph 1.

24. Anyone who salvages sunken property without authorization must hand it over to the respective harbor administration. Such a person has a right to receive one third of the value of the salvaged property as remuneration.

25. The stipulations contained in this section (IV) do not apply to Naval vessels of the Bulgarian People's Republic nor to those owned by the Border Guard.

V. DAMAGES AND RESCUE

26. The agencies of the harbor administrations investigate all incidents and damages involving Bulgarian vessels.

Depending on the circumstances, the investigation takes place as soon as possible at the site of the occurrence or upon the arrival of the ship in the nearest Bulgarian harbor.

When the damages under investigation involve property insured with the State Insurance Institute, the harbor administration must inform the State Insurance Institute, which has the right to participate in the investigation through its representatives.

27. The agencies of the harbor administrations investigate damages and accidents involving foreign vessels within Bulgarian territorial waters in the following cases:

- a. Collisions between ships
- b. Collisions between ships and coastal or floating installations
- c. Ships which have run aground or been washed ashore
- d. Fire or explosion on board ship

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e. All incidents involving loss of ship, mishap, or loss of life.

28. The agencies of the harbor administrations investigate damages and incidents involving foreign vessels in cases other than those listed under Article 27 on the written request of the respective consul, owner, operator or captain of the ship.

29. A protocol is to be made in each case, indicating the causes and consequences of the damage or incident, together with the conclusion drawn by the harbor administration.

30. All expenses connected with the investigation, e.g., tests and file copies, are paid at the established rates.

31. Every harbor administration must keep a special record of all damages and incidents investigated by its agencies.

VI. PENALTIES

32. Violators of this decree will be fined 200,000 leva, exclusive of the payments of damages caused by them, if other laws do not stipulate heavier penalties for the same infractions.

Violators are jointly responsible with the owners, operators, and captains of ships for all fines and indemnities imposed under the present decree.

33. Persons disturbing peace and order, drunkards, and persons who have committed crimes and violations in the harbor are banned from the harbor or detained by the organs of the transportation militia, according to established regulations.

VII. PROCEDURAL PROVISIONS

34. Every violation and all damages are established by a protocol, which is drawn up immediately upon their discovery by the agencies of the harbor administration.

35. The harbor superintendent issues an order of punishment (motivirano nakazatelno postanovlenie) based on the protocol.

Orders of punishment imposing fines or indemnities of less than 5,000 leva are not subject to appeal. All other orders of punishment may be appealed according to the rules of the criminal procedure code.

In cases where the violators are persons not residing in the Bulgarian People's Republic, the fines and indemnities assessed in the order of the harbor superintendent must be covered with a draft payable to the Bulgarian National Bank, if the appeal is to be considered.

Fines are credited to the revenue of the state budget, while sums collected as indemnities are paid to the respective harbor administration.

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VIII. DEFINITION OF TERMS

36. The term "ship," as used in this decree, refers to any vessel used for transportation, hydrography, fishing, rescue, dragging, sport, etc., regardless of its displacement, material of construction, and source of power.

37. The term "harbor," as used in this decree, refers to any locality along the Bulgarian coasts offering shelter, natural or artificial, against sea and wind, in which ships can find a mooring place, and where there is a harbor authority constituted in accordance with the laws of the land.

38. The term "harbor area" (pristanishten rayon), as used in this decree, refers to the land area of the harbor included within certain limits.

39. The term "harbor basin" (pristanishten baseym), as used herein, refers to the waters of the harbor included between the pier and the inner mole.

40. The outer harbor (aran-port) is the portion of the harbor included between the inner and outer moles.

41. The term "roadstead" (reyd), as used herein, refers to that portion of the seashore near the entrance to the harbor where ships can moor safely.

42. The term "channel" (farvater), as used herein, refers to safe navigation channel.

43. The operator of a ship is any person who uses the ship, regardless of whether he is the owner or whether he uses it by virtue of a contract with the owner or by virtue of any other legal means.

IX. TEMPORARY PROVISIONS

44. The protocols for damages caused before the present decree goes into effect are to be completed within a month of the date on which the present law takes effect.

45. Regulations concerning the implementation of the present decree are issued with the approval of the Council of Ministers.

The implementation of the present decree is entrusted to the Minister of Transportation.

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